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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,934	11/13/2001	Won Ku Lee	P23583	5232
7055	7590	04/22/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			WILLIAMS, JAMILA O	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/036,934

Applicant(s)

LEE, WON KU

Examiner

Jamila O Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3-4,5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Andrea. D'Andrea discloses a children's book having at least one page set bound or stapled wherein the page set comprises a pair of background sheets (12,14), each having a different design (20,22) and a sharing sheet (16) putted in between the background sheets for being coordinated with the background sheets; wherein the sharing sheet is an opaque paper having at least one opening (30) for exposing the background designs therethrough (fig 3); wherein the sharing sheet has at least one foreground design drawn on a front or rear surfaces (column 3 lines 50-52 of the specification); wherein the foreground design on the surface of the sharing sheet is coordinated with the background design on each of the background sheets when the sharing sheet is folded with each of the background sheets (column 3 lines 16-18 of the specification).

Regarding the functional limitation, "used to create an image in a drawing space provided on the sharing sheet", D'Andrea is inherently capable of this function, in that the structural limitations are met.

3. Claims 12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Feuer. Feuer discloses a book comprising at least one background sheet (14)

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having a background design (20) and at least one sheet provided with a drawing space (front sheet 12, has space that can inherently be used for drawing) and an aperture that exposes the background design (fig 1) and the at least one sheet is opaque (fig 1).

4. Claims 12, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner (cited in on a previous pto-892 mailed 2-27-04). Wagner discloses a book having at least one background sheet (6) having a background design (fig 2) and at least one sheet with a drawing space (sheet, 7, the examiner notes that there are images on these sheets but there is still empty space that can inherently serve as drawing space) and an aperture (11) that exposes the background design (fig 1); wherein the at least one sheet includes at least one foreground design (fig 2); wherein the at least one sheet is opaque (fig. 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Andrea or Feuer or Wagner. These references disclose all of the

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elements of the claims (see rejections above) but for sharing sheet comprising transparent material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the sheets of D'Andrea transparent, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Especially since the applicant states no criticality towards the material of the sheets (page 4 lines 5-7 of the specification).

7. Claims 8-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Andrea in view of Werzberger. D'Andrea discloses all of the elements of the claims but for the foldable door formed on the sharing sheet. Werzberger teaches having a book with a foldable flap or door (figs 1a,b, flap 22) on a sheet of a book assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the teaching of a foldable flap or window of Werzberger with the sharing sheet of D'Andrea for the purpose of selectively displaying the background designs.
8. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feuer or Wagner in view of Werzberger. These references disclose all of the elements of the claims (see rejections above) but for the foldable door formed on the sharing sheet. Werzberger teaches having a book with a foldable flap or door (figs 1a,b, flap 22) on a sheet of a book assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the

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teaching of a foldable flap or window of Werzberger with the sharing sheet of Feuer or Wagner for the purpose of selectively displaying the background designs.

***Allowable Subject Matter***

Claims 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with regards to the applied references filed 12-20-2004 have been fully considered but they are not persuasive. Regarding the argument that D'Andrea, Feuer and Wagber fail to provide a drawing space, the examiner maintains that although the pages of D'Andrea, Feuer and Wagner have text or illustrations thereon does not prevent the pages from having a drawing space (i.e. in the margins for example), just as applicant's sharing sheet (fig 6) has indicia thereon and still has space for drawing. Regarding the argument that there is no motivation to combine D'Andrea and Wezberger, the examiner maintains the rejection in that the references are both books that are intended to display indicia via a section or aperture. By providing D'Andrea with the door of Werzberger the user can selectively reveal or conceal the images (Werzberger column 2 lines 53-55).

The arguments with regards to the 112 rejection have been considered and the rejection is therefore withdrawn.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O Williams whose telephone number is 703-305-3312. The examiner can normally be reached on 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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